

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C.D.A., a minor child, and Mr. A.,	:	
his father; and E.A.Q.A., a minor	:	
child, and Mr. Q., his father,	:	Civil Action No. 5:21-cv-00469
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
The United States of America,	:	
	:	
Defendant.	:	

**THE UNITED STATES' MOTION TO DISMISS**  
**THE PLAINTIFFS' AMENDED COMPLAINT**

In their amended complaint, the plaintiffs assert claims pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671 et seq. (the “FTCA”) and the Alien Tort Statute, 28 U.S.C. § 1350 (the “ATS”). No claims, as pled, are viable under either the FTCA or the ATS. The deficiency cannot be remedied through amendment. For this reason, the United States moves for dismissal of the entire amended complaint, with prejudice, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

In the alternative, if any claims survive dismissal, the United States District Court for the Eastern District of Pennsylvania is not the best forum for such claims. For this reason, the United States moves, in the alternative, for transfer of any surviving claims pursuant to 28 U.S.C. § 1404(a).

The factual and legal grounds for this motion are set forth in the accompanying memorandum of law.

Respectfully submitted,

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United States Attorney

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*Counsel for the United States of America*

Dated: March 28, 2022